

1. Hearings Notice (PDF)

Notice is hereby given that the Land Use Hearing Officer will hold two hearings at approx. 2:00 p.m. on Thursday, May 12, 2022: 1) LUHO-22-010, Matt McClellan is requesting a variance to allow a detached accessory structure within the yard described as the area “between the designated front of the residence and any lot line abutting a street or private right-of-way” at approx. 3825 South Parkview Drive; and 2) LUHO-22-011, Jeff Speigel is seeking a variance for a reduction in the front yard setback to fifteen (15) feet at 3887 E. Thousand Oaks Circle. If approved, the applicant will be asking for an exception, or variance from the setbacks as prescribed within the R-1-10 Zoning Code. Members of the public seeking to comment on these applications must follow the Interventions and Proceedings process in Millcreek Code 19.92.030. For more information on the hearings, please visit <https://millcreek.us/agendacenter> or call 801-214-2700. In compliance with the Americans with Disabilities Act, individuals needing special accommodation during the hearings should notify the ADA Coordinator at khansen@millcreek.us or 801-214-2751 two days in advance.

Documents:

[LUHO-22-011 STAFF REPORT.PDF](#)



3330 S 1300 E
Millcreek UT
84106
801-214-2700

File # LUHO-22-011

Land Use Hearing Officer Staff Report

Request Type: Variance
Parcel IDs: 22-01-332-023-0000
Address: 3887 East Thousand Oaks Circle
Zone: R-1-10, Single-Family Residential Zone
Applicant: Jeff Speigel
Planner: Robert May

SUMMARY DESCRIPTION

The applicant is seeking a variance for a reduction in the **front yard** setback to fifteen (15) feet for a single-family dwelling. The applicant is asking for a variance from the setbacks as prescribed within the R-1-10 Zoning Code. [Millcreek City Code §19.14.050](#).

Pursuant to Millcreek City code,

[19.04.565 Yard, Front](#): Front yards serving single-family dwellings, duplexes, triplexes and fourplexes shall be defined as the space on the same lot with a building, between the designated front of the residence and any lot line abutting a street or private right-of-way.

The subject property comprises of .28 acres and is located at 3887 East Thousand Oaks Circle. The property lies within a cul-de-sac, giving it an irregular shape compared to other properties in the neighborhood. Additionally, due to the contour of the property having steep slopes greater than 30%, makes constructing a single-family dwelling more difficult to build on compared to others in the neighborhood.

The subject also lies within the Residential Compatibility Overlay (RCOZ) Zone Chapter 19.71 of the Millcreek Code. Prior to construction, the applicant received an administrative approval to reduce the front yard setback from thirty (30) feet to nineteen (19) feet by way of an RCOZ Option (B) exception. Option B allows the City to consider deviations from one or more of the standards provided based upon the compatibility of the proposed residential application with other houses in the immediate neighborhood. The exception allows deviations for proposed construction under Option B from the division prior to submitting building plans. Permissible deviations from minimum front and side setbacks are included so long as the applicant provides

evidence established by reliable photographic, engineering, architectural or other evidence from the proximate neighborhood. *“The minimum front setback is the average of the front setbacks of residential structures that are on six lots of applicant's choice that are within the proximate neighborhood of the subject property.”* Refer to [19.71.040 Option B Deviations From General Standards Based On Neighborhood Compatibility](#).

In summary, the applicant and their property were administratively approved by staff to reduce the required front yard setback from thirty (30) feet to nineteen (19) feet. 19.24 feet to be exact. The application was approved approximately 3-4 months ago from the date of this report. Due to the placement of the garage and driveway, along with the steep slopes and irregular shaped property, the applicant is requesting a front yard setback of fifteen (15) feet from nineteen (19) feet. Essentially a request for an additional four (4) feet. 4.24 feet to be exact.

STAFF ANALYSIS

Staff agrees with the applicant in that literal enforcement would cause an unreasonable hardship for the applicant and that there are special circumstances attached to the property that do not generally apply to all other properties in the same neighborhood. The irregular shape created from the cul-de-sac, makes applying the front yard setback difficult since the front property line is not linear and consistent to measure from.

Due to steep slopes and minimal flat surface being available, the amount of safe buildable area is much less than normal. Staff notes that front yard setback reductions have been granted in the past for similar reasons and that staff typically supports allowing for setback reductions to avoid building on steep sensitive slopes.

SUPPORTING DOCUMENTS

- **Exhibit A** - Location Map
- **Exhibit B** - Variance Letter
- **Exhibit C** – Site Plan with topography / Close up image showing area of garage with 15' foot setback

Exhibit A

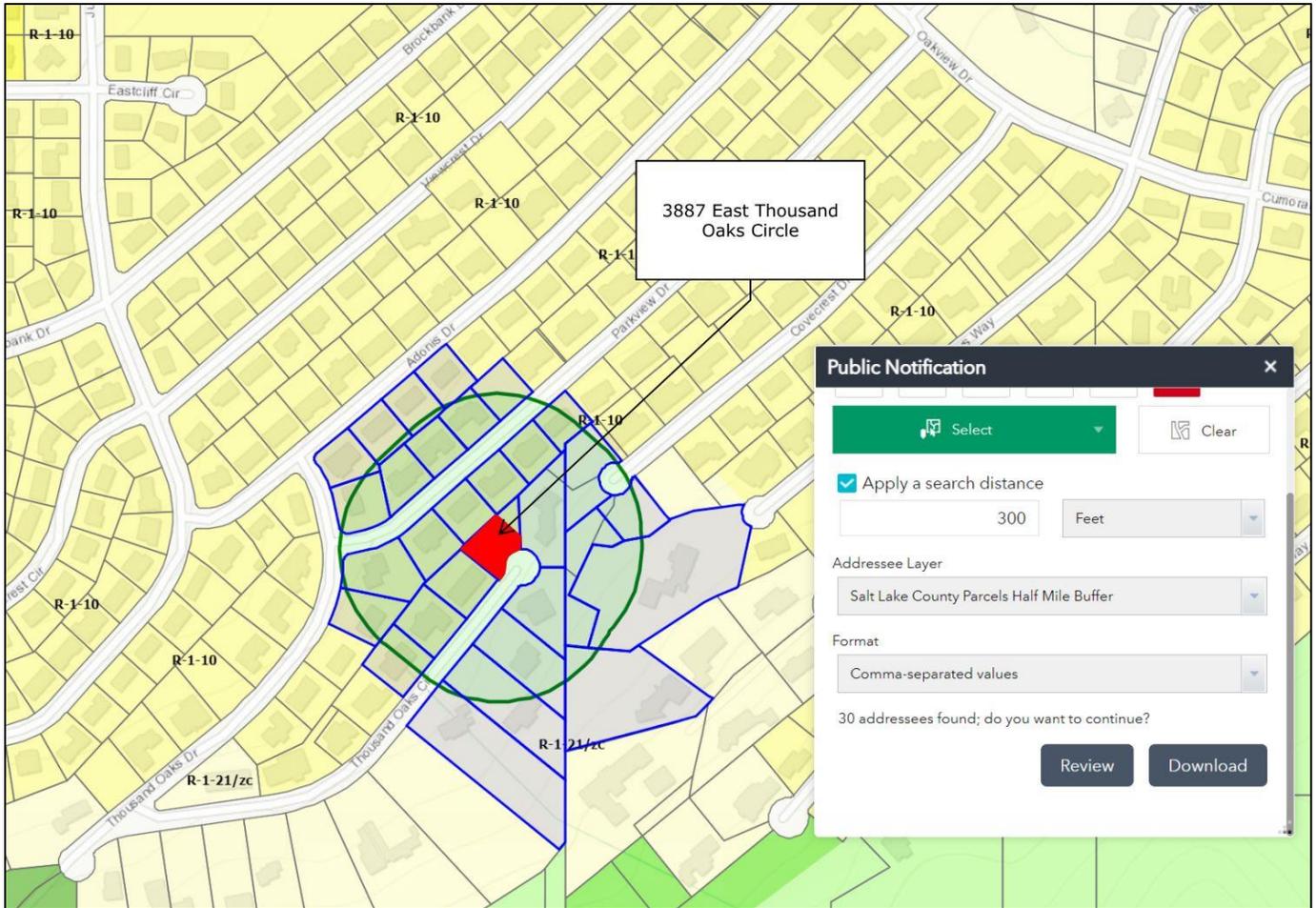


Exhibit B

We are requesting a variance of the set-back of the house to 15'. The key reasons are:

- Driveway safety as we cannot build on the steepest rear area. We need to be able to pull in and out of the garage safely.
- Retaining wall height further back would be too high
- Elevation is easily meeting allowance and we are not asking for more height.
- The 15' is from the back of the sidewall and doesn't intrude on walkers.
- The lot is irregular in shape.

A longer driveway reduces the safety of the structure pushing the garage further back, so we wish to keep it closer to the front sidewalk. Yet even with a 15' set back there is no intrusion on walkers passing by and there is even an allowance for parking a car therein.

Elevation is easily met and we are not asking for an additional height allowance. There is no impact on the house height by the front set back.

The unusual shape of the lot with the cul-de-sac cutting into the front buildable area makes it difficult to build safely further back.

Exhibit C

